

AMENDED IN ASSEMBLY JUNE 26, 2003

AMENDED IN SENATE MAY 20, 2003

AMENDED IN SENATE MARCH 25, 2003

AMENDED IN SENATE MARCH 17, 2003

SENATE BILL

No. 89

**Introduced by Senators Alpert, Battin, Ducheny, Figueroa,
Karnette, Kuehl, Margett, Oller, Perata, Romero, Scott, Sher,
Speier, Torlakson, and Vincent**

(Principal coauthor: Assembly Member Koretz)

(Coauthor: Assembly Member Lieber)

January 27, 2003

An act to add Chapter 2.5 (commencing with Section 2220) to Division 3 of the Fish and Game Code, relating to wild animals, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 89, as amended, Alpert. Wild animals: domestic ferrets.

(1) Existing law prohibits the importation, transportation, possession, or release into this state of certain wild animals, including ferrets, without a permit issued by the Department of Fish and Game. The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on any project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA provides that the purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on

the environment, to list the ways in which the significant effects of a project might be minimized, and to indicate alternatives.

This bill would, notwithstanding any other provision of law, require the department to issue ~~a license~~ *an animal permit* to any person who owns a domestic ferret on the mainland of the State of California, if the owner of the ferret is able to produce a license from the *city, county, or city and county* in which the owner resides, if that *city, county, or city and county* elects to license ferrets, documentation from a licensed veterinarian that the ferret has been vaccinated against rabies, and a certificate of spay or neuter issued by a licensed veterinarian. That provision would be repealed as of July 30, 2004, unless a later enacted statute deletes or extends that date.

The bill would require the department, on or before July 31, 2005, to complete an EIR that fulfills the requirements of CEQA regarding the effect of domestic ferret ownership on the environment in the state, to provide a copy of the final EIR and any related findings to the Legislature and the commission, and to make those documents available to the public. The bill would require the department to make the final EIR and any related findings available on its Web site.

The bill would require ~~the department, as soon as practicable, to adopt regulations requiring~~ each person that applies for ~~a license to own a ferret in the state~~ *an animal care permit from the department* to pay a fee in an amount the department determines will cover the costs incurred by the department in preparing the EIR. *The bill would prohibit an animal care permit from requiring an inspection by the department, and would require the permit to be operative for the life of the permitted animal, and to be nonrevocable.* The bill would require the revenues derived from those fees to be deposited in the General Fund, and upon appropriation by the Legislature, to be used by the department to fund the costs of the EIR and other provisions of the bill.

The bill would require the commission, on or before October 2005, to hold a hearing to determine whether to remove the ferret from the list of prohibited species for the mainland of the State of California. The bill would require the commission to take into account any testimony submitted in the hearing, and the contents of the EIR.

The bill would prohibit the department from enforcing any statute or regulation that prohibits ferret ownership prior to the commission determining whether to remove the ferret from the list of prohibited species. The bill would prohibit any ferret from being sold by any



person or entity. Because a violation of the Fish and Game Code is a misdemeanor, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the commission and the department to pay all necessary expenses incurred in carrying out any law for the protection and preservation of birds, mammals, reptiles, and fish.

By imposing new duties on the commission and the department, this bill would make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.5 (commencing with Section 2220) is
2 added to Division 3 of the Fish and Game Code, to read:

3

4

CHAPTER 2.5. DOMESTIC FERRETS

5

6 2220. (a) Notwithstanding any other provision of law, the
7 department shall issue ~~a license~~ *an animal care permit* to any
8 person who owns a domestic ferret (*Mustela furo*) on the mainland
9 of the State of California, if the owner of the ferret is able to
10 produce all of the following with respect to that ferret:

11 ~~(1) A license from the county in which the owner resides, if that~~

12 *(1) A license from the city, county, or city and county in which*
13 *the owner resides, if that city, county, or city and county elects to*
14 *license ferrets.*

15 (2) Documentation from a licensed veterinarian that the ferret
16 has been vaccinated against rabies with a vaccine approved for use
17 in ferrets by the United States Department of Agriculture and
18 administered in accordance with the recommendations of the
19 vaccine manufacturer.

20 (3) A certificate of spay or neuter issued by a licensed
21 veterinarian.

1 (b) No ferret may be sold by any person or entity.

2 (c) This section shall remain in effect only until July 30, 2004,
3 and as of that date is repealed unless a later enacted statute that is
4 enacted before July 30, 2004, deletes or extends that date.

5 2221. (a) On or before July 31, 2005, the department shall do
6 all of the following:

7 (1) Complete an environmental impact report that fulfills the
8 requirements of the California Environmental Quality Act
9 (Division 13 (commencing with Section 21000) of the Public
10 Resources Code) regarding the effect of domestic ferret ownership
11 on the environment in the state.

12 (2) Provide a copy of the final environmental impact report and
13 any related findings to the Legislature and the commission, and
14 make those documents available to the public.

15 (b) No ferret may be released into the wild as a part of the
16 environmental impact report required by this section.

17 (c) Upon completion of the final environmental impact report,
18 the department shall make that report, and any related findings,
19 available to the public on its Web site.

20 (d) The department shall enter into an agreement with the
21 National Academy of Sciences, the University of California, the
22 California State University, or any similar scientific institution of
23 higher learning, or any combination of those entities, to assist it in
24 obtaining scientific data to be included in the environmental
25 impact report.

26 ~~2222. (a) As soon as practicable, the department shall adopt~~
27 ~~regulations establishing a licensing program for domestic ferret~~
28 ~~ownership that requires each person who applies for a license to~~

29 2222. (a) *Each person that applies for an animal care permit*
30 *from the department to own a ferret in the state to pay a shall pay*
31 *a single, one-time permit fee in an amount the department*
32 *determines will cumulatively cover the costs incurred by the*
33 *department in preparing the environmental impact report required*
34 *in Section 2221.*

35 (b) *An animal care permit issued pursuant to this section shall*
36 *meet all of the following criteria:*

37 (1) *May not require an inspection by the department either*
38 *prior to the issuance of the permit, or at any other time.*

39 (2) *Be operative for the life of the permitted domestic ferret.*

40 (3) *Be nonrevocable.*

1 ~~(b) Revenues derived from the ferret licensing fees shall be~~

2 (c) *Revenues derived from the ferret permitting fees shall be*
3 deposited in the General Fund, and upon appropriation by the
4 Legislature, shall be used by the department to fund the costs of the
5 environmental impact report required by Section 2221, and the
6 development of regulations or other activities associated with the
7 licensing and regulation of ferrets pursuant to this chapter.

8 2223. On or before October 2005, the commission shall hold
9 a hearing to determine whether to remove the ferret from the list
10 of prohibited species for the mainland of the State of California.
11 The commission shall take into account any testimony submitted
12 in the hearing, and the environmental impact report, if any,
13 prepared pursuant to Section 2221.

14 2224. A person who meets the requirements of Section 2220
15 and who receives ~~a license~~ *an animal care permit* from the
16 department to own a ferret is deemed to own the ferret legally,
17 notwithstanding any other provision of law or future decision by
18 the Fish and Game Commission.

19 2225. Prior to holding the hearing prescribed in Section 2223
20 and making a determination about whether to remove the ferret
21 from the list of prohibited species, the department shall not enforce
22 any statute or regulation that prohibits ferret ownership, ~~however;~~
23 *however*, it may take action against a ferret owner if a ferret creates
24 a threat to public health or safety.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.